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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,965	08/27/2001	Kevin O'Rourke	2001P07803US01	5436

7590 01/15/2004

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EXAMINER

VEILLARD, JACQUES

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 01/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

8

**Office Action Summary**

Application No.

09/939,965

Applicant(s)

O'ROURKE, KEVIN

Examiner

Jacques Veillard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 4.                      6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the applicant's communication filed on 8/27/2001.
2. Claims 1-20 are pending and presented for examination.
3. Claims 1, 6, 7, 17, and 18 are the independent claims. Others claims are the dependent.

### ***Priority***

4. Applicant's claim for domestic priority of provisional application number 60/287,275 filed on 4/27/2001 and provisional application number 60/287,644 filed on 4/30/2001 under 35 U.S.C. 119(e) is acknowledged.

### ***Information Disclosure Statement***

5. The information disclosure statement (IDS) submitted on 8/27/2001 (Paper No. 2) and 2/10/2003 (Paper No. 4) is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by De La Hueraga (U. S. Pat. No.6,032,155).

As per claim 1, De La Huerga discloses a system for use by a portable processing device for accessing patient record information by providing a portable container wherein unit doses of medication are placed into with textual and electronic information (See col.6, lines 51-54, and col.16, lines 14-20). In particular, the system as taught by de la Huerga, comprising the steps of: receiving user entered information identifying at least one patient record to be acquired and a content portion of a patient record to be acquired (See col.8, lines 22-37, and col.13, lines 12-29); generating a URL link for accessing a patient record repository, said generated URL link including an address of said repository and containing fields incorporating said information identifying said content portion and said patient record (See Figs.25 and 27, col.4, lines 6-16, and col.6, line 61 through col.7, line 12); communicating said generated URL link to an application used for accessing said repository (See col.13, lines 31-34, and col.14, lines 12-14); and receiving said identified patient record content portion in response to said communication (See col.13, lines 31-51).

As per claim 2, De La Huerga discloses the claimed invention limitation,. wherein said receiving step also includes, receiving information identifying a desired format for said patient record to be acquired (See col.4, lines 6-10, and col.16, lines 62-67).

As per claim 3, De La Huerga discloses the claimed invention limitation, including the step of, receiving configuration information determining at least one of, (a) a URL of a patient record repository, (b) a proxy server address, (c) user logon information, (d) lists of patients to be

accessed, (e) content type of a patient record and (f) format of a patient record (See Figs 17-23, 25, and 27, col.9, lines 19-35 and col.16, line 65 through col.17, line 1).

As per claim 4, De La Huerga discloses the claimed invention limitation, including the step of generating a notification indication for display to a user indicating said identified patient record content portion has been received (See col.7, lines 42-44, and col.10, line 57 through col.11, line 13).

. As per claim 5, De La Huerga discloses the claimed invention limitation, wherein said received patient record content portion comprises HTML web page representative information (See Figs.24 and 26, and col.4, lines 15-20).

As per claims 6 and 17, the claims have substantially the same limitations as claim 1. These limitations have already been addressed in the rejection of claim 1. Therefore, they are rejected on similar grounds corresponding to the arguments given to the rejected claim 1 above.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7, 16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over De La Huerga (U. S. Pat. No. 6,032,155) in view of Frid et al.(U. S. Pat. No. 5,857,967, to Frid).

As per claims 7 and 18, De La Huerga teaches a system for use by a portable processing device for providing updated patient record information to a patient record information repository (See col.3, lines 9-18, col.6, lines 51-54, col.16, lines 14-20, and col.19, lines 13-16). The system taught by De La Huerga comprising the steps of generating a URL link including an address of said repository and containing fields incorporating said updated patient record information and information identifying a patient record(See Figs.25 and 27, col.4, lines 6-16, and col.6, line 61 through col.7, line 12); and communicating said updated patient record information to said information repository at said address in response to user selection of a displayed menu icon (See col.13, lines 31-34, and col.14, lines 12-14). De La Huerga does not explicitly teach the system of: initiating display of a data collection page for a patient; storing updated patient record information acquired by user data entry via said data collection page.

However, Frid teaches a universal accessible healthcare which generates a set of medical information (See the title and the abstract) including the limitation of: initiating display of a data collection page for a patient (See Fig.2, col.2, lines 48-50, and col.5, lines 24-36); storing updated patient record information acquired by user data entry via said data collection page (See col.4, lines 38-49, col.5, lines 37-43, and col.6, lines 1-6).

It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teachings of De La Huerga with the teachings of Frid because Frid provide a healthcare device having communication path and server which provides access to the medical information using an open standard network protocol on the

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communication path wherein HTML files may be generated on the fly by the server in response to an HTTP command from a requesting web client in order to display the medical information of a patient in a web page manner.

As per claim 8, the combination of De La Huerga and Frid, as modified, teaches the claimed invention, wherein said step of communicating said updated patient record information comprises communicating said updated patient record information via said URL data field to said information repository (See Frid's col.2, lines 61-67).

As per claims 9 and 19, the combination of De La Huerga and Frid, as modified, teaches the claimed invention, including the step of identifying updated patient record information different from information previously communicated to said information repository, and wherein said step of communicating said updated patient record information comprises communicating said different updated patient record information via said URL data field to said information repository (See Frid's col.3, lines 64-67 and col.4, lines 1-13).

As per claim 10, the combination of De La Huerga and Frid, as modified, teaches the claimed invention, wherein said data collection page comprises an HTML page (See Frid's Fig.2, col.5, lines 24-29).

As per claims 11-13, and 20, the combination of De La Huerga and Frid, as modified, teaches the claimed invention, including the step of time-stamping updated patient record

information acquired by user data entry via said data collection page, storing the patient record, and communicating said time stamped patient record (See Frid's Fig.2, col.5, lines 30-33).

As per claim 14, the combination of De La Huerga and Frid, as modified, teaches the claimed invention, including the step of communicating said identified updated data collection page by Email to a remote application in response to user selection of a displayed menu icon (See De la Huerga's col.17, lines 1-19).

As per claim 15, the combination of De La Huerga and Frid, as modified, teaches the claimed invention including the step of providing a menu supporting user customization of a data collection page for a particular patient (See De La Huerga's Figs.17-23 and corresponding text).

As per claim 16, the combination of De La Huerga and Frid, as modified, teaches the claimed invention, including the step of initiating display of a patient record contents menu comprising a plurality of links to a corresponding plurality of portions of a patient record including a link to a patient data collection page in response to user selection of a link to said patient record (See De La Huerga's Fig.25 and corresponding text).

***Other Prior art Made of Record***

- |     |                      |                           |
|-----|----------------------|---------------------------|
| 10. | Tacklind et al.      | U. S. Pat. No. 5,704,366, |
|     | .Wilcox et al.       | U. S. Pat. No. 5,995,077, |
|     | .De La Huerga et al. | U. S. Pat. No. 5,895,461, |



.De La Huerga	U. S. Pat. No. 6,434,567,
Yarin et al.	U. S. Pat. No. 6,294,999,
Miyazaki et al.	U. S. Pat. No. 6,656,115, and
Krichen et al.	U. S. Pat. No. 6,250,309.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. **Any response to this action should be mail to:**

Commissioner of Patent and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703) 746-7239 (for formal communication intended for entry)

**Or:**

(703) 746-7240 ( for informal of draft communications, please label

“PROPOSED” or “DRAFT”)


Hand - delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA, Fourth Floor Lobby (Receptionist Telephone No. (703) 305-3900).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (703) 305-7094. The examiner can normally be reached Monday through Friday from 9:30 AM to 4: 30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached on ( 703) 305-3830. The fax phone number for this group is (703) 308-5403.

  
**CHARLES RONES**  
**PRIMARY EXAMINER**



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Jacques Veillard  
Patent Examiner TC 2100

December 8, 2004